

REMARKS

I. Introduction

Claims 1-8, 10-16, and 18-24 are pending in the present application after cancellation of claims 9 and 17 and addition of claims 20 to 24. Reconsideration of the pending claims is requested in view of the following explanations.

II. Rejections of Claims 1, 2, 3, 9, 10, 11, 12 and 17

Claims 1, 2, 10 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,308,718 (“Brookner”). Claims 3, 9, 12 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of U.S. Patent No. RE 39,166 (“Gammie”). Applicants respectfully submit that the rejections should be withdrawn for at least the following reasons.

Claims 9 and 17 were canceled herein, which renders moot the rejection of claims 9 and 17. Claims 1 and 10 have been amended to include subject matter substantially similar to the subject matter contained in the original claims 9 and 17, respectively. Therefore, the anticipation rejection of claims 1, 2, 10, and 11 are now moot, and these claims will be discussed below in connection with the § 103(a) rejection based on Brookner and Gammie.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q.

375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended independent claim 1 recites, in relevant parts, “a plurality of modules including a microprocessor and at least one storage module for storing code and data for the microprocessor, at least one of the modules storing a serial number of the at least one module in a non-exchangeable manner; an arrangement for storing a code number, the code number being obtained as a function of the serial number by using an encryption method, and for storing information required to calculate the serial number from the code number, . . . wherein **at least two of the modules are each identified by a serial number, and the code number is obtained by encrypting a linking of the serial numbers of the at least two of the modules.**” Claim 10 has been amended to recite substantially similar method features as the above-recited features of claim 1.

With respect to the above highlighted feature recited in claims 1 and 10, the Examiner cites the text in col. 9, line 63 - col. 10, line 20 of Gammie as allegedly disclosing the claimed feature. However, the cited section of Gammie merely concerns a twice-encrypted key for a television decoder. The cited section makes it clear that the key (for a television signal decoder) is first encrypted at a first encryptor with a first secret serial number and then is further encrypted at a second encryptor with a second secret serial number. The secret serial numbers are specific to cable television subscribers (i.e., human users). Each television signal decoder (i.e., a module) has a unique identification number. (Gammie, col. 2, lines 51 to 63). Thus, **Gammie merely describes twice encrypting a single key for a single module**, i.e., a television signal decoder. In stark contrast, claim 1 recites **at least two of the modules** each have a serial number for identifying each module, and that a **code number is obtained by encrypting a linking of the serial numbers of the at least two of the modules** (i.e., encrypting a combination of at least two serial numbers). Therefore, it is plain that the **twice-encrypted key of Gammie for a single decoder** does not disclose or suggest the code number obtained by **once encrypting a linking of the serial numbers of the at least two of the modules**, as recited in claims 1 and 10.

For at least the foregoing reasons, claims 1 and 10, as well as their dependent claims 2, 3, 11 and 12, are patentable over the combination of Brookner and Gammie. Withdrawal of the rejection of claim 1, 2, 3, 10, 11 and 12 is respectfully requested.

III. Rejection of Claims 4 to 8, 13 to 16, 18, and 19

Claims 4, 5, 13, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of Gammie, and in further view of U.S. Patent No. 5,771,287 (“Gilley”). Claims 6 to 8, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of U.S. Patent No. 5,774,544 (“Lee”). Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brookner in view of U.S. Patent No. 6,026,293 (“Osborn”).

Claims 4 to 8 ultimately depend from claim 1, and claims 13 to 16, 18, and 19 ultimately depend from claim 10. As noted above, the overall teachings of Brookner and Gammie do not render parent claims 1 and 10 obvious. Furthermore, the secondary Gilley, Lee, and Osborn references do not cure the critical deficiencies of Brookner and Gammie as applied against parent claims 1 and 10. Accordingly, dependent claims 4-8, 13-16 and 18-19 are not rendered unpatentable by the applied references.

IV. New Claims 20 to 24

New claims 20 to 22 do not add new matter and are wholly supported by the application as originally filed. New claims 20 to 22 depend from claim 1, and therefore these claims are allowable for at least the same reasons as claim 1.

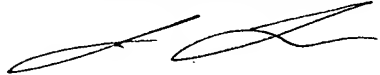
New claim 23 incorporates the features of previously pending claims 1, 7 and 8, i.e., new claim 23 recites, in relevant parts, “wherein the information required to calculate the serial number from the code number is stored in a different storage module than the code number, the different storage module being connected to the microprocessor in a non-separable manner.” Although the Examiner contends that Fig. 1 of Brookner teaches the above-recited claimed features, Brookner merely shows that the processor and the memory are connected to each other within a server unit, but there is no suggestion that the storage module and the microprocessor are connected in a “non-separable manner.” For at least this reason, new claim 23 and its dependent claim 24 are allowable over the prior art of record.

Independent of the above, new claim 24, which depends on claim 23, recites that “the different storage module and the microprocessor are integrated in a one-chip microprocessor,” which feature is clearly not taught or suggested by any of the applied references, including Brookner. Claim 24 is additionally allowable for at least this additional reason.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that all pending claims 1-8, 10-16, and 18-24 of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,
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